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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,508	06/25/2003	Surendra N. Naidoo	4017-02802	4011
30652	7590	12/01/2005	EXAMINER	
CONLEY ROSE, P.C. 5700 GRANITE PARKWAY, SUITE 330 PLANO, TX 75024			WOO, STELLA L	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/603,508	<b>Applicant(s)</b> NAIDOO ET AL.	
	<b>Examiner</b> Stella L. Woo	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 54-57 and 59-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54-57 and 59-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/06/03; 10/09/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 54-57, 60-63, 65, 78-79, 82-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Eshelman et al. (US 6,611,206 B2, hereinafter "Eshelman").

Regarding claim 54, Eshelman discloses a security gateway (see Figure 1) comprising:

means for monitoring one or more portions of said premises (monitor system depicted in Figure 3 monitors a person requiring care, such as an elderly person living alone at home, infant or child; col. 1, lines 8-19; col. 2, lines 36-39), said means for monitoring including means for capturing and recording audiovisual information (video input 255 from cameras 135 and 136, audio input 245 from microphone 112, buffer memory records audio and video signals; col. 12, lines 33-34) relating to (1) pre-alarm periods (audio/video data preceding an alarm event; col. 12, lines 22-23), (2) post-alarm periods (audio/video data following an alarm event; col. 12, lines 23-24), and (3) non-alarm events (audio/video data is continuously buffered; col. 12, lines 33-34); and

means for managing the monitoring of one or more portions of said premises (controller 100).

Regarding claim 55, the monitoring system is coupled to a building automation system (col. 2, lines 46-62; col. 7, lines 22-27).

Regarding claim 56, 57, live audio/video data can be streamed to a remote observer (122) as a live feed available over the internet (internet 110) (Figure 1; Figure 4, step S50; col. 5, lines 48-50; col. 12, lines 42-46; col. 13, lines 17-19).

Regarding claims 60, 62, audio and video data are continuously buffered such that non-alarm events are captured and recorded (col. 12, lines 33-34).

Regarding claim 61, Eshelman further discloses:

means for detecting alarm conditions (classifier 510 receives various inputs and determines various alarm events; col. 5, lines 55 – col. 6, line 23; Figure 4, step S15);

means for relaying said detected alarm conditions to a security system server (alarm information is output to a server 140; col. 6, lines 20-23; col. 12, lines 40-43);

means for capturing information relating to said alarm conditions (alarm signal includes audio/video data recorded via cameras 135, 136 and microphone 112; col. 12, lines 22-25);

means for transmitting stored and/or live information (live audio/video data can be streamed to a remote observer 122 as a live feed available over the internet 110; Figure 1; Figure 4, step S50; col. 5, lines 48-50; col. 12, lines 42-46; col. 13, lines 17-19) during said pre-alarm periods (transmitted alarm signals includes audio/video data preceding an alarm event; col. 12, lines 22-23) and said post-alarm periods (audio/video data following an alarm event; col. 12, lines 23-24).

Regarding claim 63, Eshelman discloses a security gateway comprising:

a video module (image processor 305 receives video signals from video cameras 135 and 136; Figure 1);

said video module further configured to cache video data in a first memory (video signals are continuously buffered; Figure 4, step S10; col. 12, lines 33-34).

Regarding claim 65, audio/video signals are buffered when alarm situations are being monitored (Figure 4, steps S10, S15, S20, S30, S40).

Regarding claims 78, 82, Eshelman discloses a dual-use gateway (the classifier can identify plural events, including alarm situations, such as the breaking of glass, falling objects, etc., col. 5, line 66 – col. 6, line 1, or lifestyle situations, such as facial expressions, behavioral habits, room temperature, number of occupants, etc., col. 6, lines 1-4, col. 6, line 38 – col. 8, line 9) comprising:

a first module configured to receive video data from a video camera (controller 100 receives video signals from video cameras 135 and 136; Figure 1);

said first module further configured to store said video data (video signals are continuously buffered; Figure 4, step S10; col. 12, lines 33-34); and

said first module further configured to stream said video data to a remote client (live video feed of the premises can be viewed by an observer 112 by a URL link available over the Internet 110; col. 12, lines 43-44).

Regarding claim 79, controller 100 receives audio data from microphone 112 (see Figure 1), the audio signals being continuously buffered; col. 12, lines 33-34; col. 13, lines 11-12).

Regarding claim 83, a live feed can be included in a message transmitted by an automated telephone call to a digital video telephone as an alternative to a URL link (col. 12, lines 43-46).

Regarding claims 84-86, audio data can be received and stored from other sensors 141, such as breathing monitors (col. 5, lines 41-42).

Regarding claim 87, microphone 112 and speaker 114 allows two-way audio communication with a remote person (col. 5, lines 50-53).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 59 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eshelman in view of Katz (US 5,412,708).

Eshelman differs from claims 59 and 88 in that it does not teach notifying an occupant that remote monitoring is occurring. However, Katz teaches a monitoring system in which a monitored person is informed via an audio message that he/she is being observed or recorded (col. 10, lines 46-58) such that it would have been obvious to incorporate such a notification, as taught by Katz, within the monitoring system of Eshelman in order to inform an occupant when he/she is being observed or recorded. Since Eshelman includes a speaker 114 and terminal display 116 at the premises (Figure 1; col.

5, lines 50-54), it would have been obvious to an artisan of ordinary skill to have the notification message be audiovisual.

5. Claims 64, 66-77, 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eshelman in view of Lambert (US 6,421,080).

Eshelman differs from claims 64, 66-77, 80-81 in that it does not teach storing the cached video data in a second memory in response to an alarm condition. However, Lambert teaches a surveillance system in which video images are continuously recorded into a cache memory, and in response to a triggering event, video images before, during and after the event are stored into a long-term storage device (Abstract; col. 2, lines 13-19; col. 3, line 60 – col. 5, line 3) such that it would have been obvious to an artisan of ordinary skill to incorporate such recording of cached video data into a long-term memory device, as taught by Lambert, within the system of Eshelman so that captured audio/visual data surrounding an alarm event can be retrieved at a later time.

Regarding claims 67, 80, in Lambert, the oldest video images in the cache memory are automatically overwritten when the storage device is filled (col. 3, lines 1-3).

Regarding claims 68-72, in Eshelman, an alarm event can be determined from various input signals, such as video images from cameras 135, 136 and sensor signals from sensors 141, such as instrumentations monitoring the environment, by means of event/class processor 207 (col. 6, line 25 – col. 7, line 27).



Regarding claims 73-74, in Eshelman, signals are exchanged with a remote observer terminal 122 (col. 5, lines 44-54).

Regarding claim 77, Eshelman provides for communication via the telephone network (col. 12, lines 45-46).

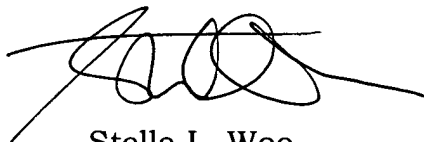
### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ely, Fiedler, Kawasaki et al., and Klein show the recording of video images before, during and after an alarm event. Zellner et al. and Cohen show remote control of a monitoring camera.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a long horizontal line extending to the right.

Stella L. Woo  
Primary Examiner  
Art Unit 2643